

**IN THE FRANKLIN COUNTY MUNICIPAL COURT
ENVIRONMENTAL DIVISION
FRANKLIN COUNTY, OHIO**

**STATE EX. REL
COLUMBUS CITY ATTORNEY
ZACH KLEIN**
375 South High Street, 17th Floor
Columbus, Ohio 43215

Relator-Plaintiff,

v.

SOUTH GERMAN VILLAGE, LLC
c/o Andrew Thomas
1931 Parsons Avenue
Columbus, OH 43207

and

JRV SEPIRA, LLC
c/o Andrew Thomas
1931 Parsons Avenue
Columbus, OH 43207

and

JOSE VILLAVICENCIO
3339 Daglow Road
Columbus, OH 43232

and

ANDREW THOMAS
P.O. Box 328548
Columbus, OH 43232

and

RENT DUE, LLC
c/o Zach Burkons
1621 Euclid Avenue, Ste. 408
Cleveland, OH 44115

Case No.

2021 EVH 60 0 53

Judge Stephanie Mingo

and

ZACHARY BURKONS
2769 Commercial Road #2
Cleveland, OH 44113

and

DOUGLAS GRAFF
604 East Rich Street
Columbus, OH 43215

and

VERNA R. COWARD
c/o Brian Green
25101 Chagrin Boulevard
Cleveland, OH 44122

and

UNKNOWN TENANTS OF
2-8 Reeb Avenue
Columbus, Ohio 43207

and

UNKNOWN TENANTS OF
289-291 Brehl Avenue
Columbus, Ohio 43222

and

UNKNOWN TENANTS OF
364-366 East Innis Avenue
Columbus, Ohio 43207

and

UNKNOWN TENANTS OF
639-641 South Wheatland
Columbus, Ohio 43204

and

CHERYL BROOKS SULLIVAN

FRANKLIN COUNTY TREASURER
373 South High Street, 17th Floor
Columbus, Ohio 43215

and

REAL PROPERTY AT
2-8 REEB AVENUE
2-8 Reeb Avenue
Columbus, Ohio 43207

and

REAL PROPERTY AT
289-291 BREHL AVENUE
289-291 Brehl Avenue
Columbus, Ohio 43222

and

REAL PROPERTY AT
364-366 EAST INNIS AVENUE
364-366 East Innis Avenue.
Columbus, Ohio 43207

Parcel Nos. 010-094530
010-069942
010-047389
010-053241

and

REAL PROPERTY AT
639-641 SOUTH WHEATLAND AVENUE
639-641 South Wheatland Avenue
Columbus, Ohio 43204

Respondents-Defendants.

TEMPORARY RESTRAINING ORDER

This matter came before the Court on February 18, 2021, on Relator's request for a temporary restraining order filed in conjunction with a Complaint for Preliminary and Permanent Injunctive Relief. In light of the circumstances, this motion was filed *ex parte*. For purposes of the temporary restraining order, the Court finds that the Relator has established that Respondents-

Defendants are owners and/or person in charge, care or control of the properties located at 2-8 Reeb Avenue, Parcel No. 010-053241, 289-291 Brehl Avenue, Parcel No. 010-069942, 364-366 East Innis Avenue, Parcel No. 010-047389, and 629-631 South Wheatland Avenue, Parcel No. 010-094530 ("the Premises"). On information and belief, Relator asserts the following:

2-8 Reeb Avenue

1. The Premises at 2-8 Reeb Avenue is a multi-unit apartment building located on the south side of Columbus, Ohio.
2. Respondent-Defendant JRV, has been the record owner of the Premises located at 2-8 Reeb Avenue since April 7, 2017.
3. The Premises at 2-8 Reeb came to the attention of Columbus Police Department ("CPD") and more specifically the CPD Investigative Tactical Unit ("CPD INTAC") and Columbus Fire Department (CFD) in 2020.
4. Since February 2020, CPD Narcotics and CFD have responded to the Premises nineteen (19) times for calls for service.
5. During this time, CPD responded to the Premises on the following complaints:
 - a. One (1) Suspicious Person;
 - b. One (1) Disturbance;
 - c. Two (2) Narcotics Complaints;
 - d. One (1) Robbery;
 - e. One (1) Burglary; and
 - f. Two (2) Homicides
6. On March 2, 2020, CPD was called to the Premises at 4 Reeb Avenue on report of an accidental overdose.

7. On March 4, 2020, CPD Narcotics received a complaint regarding narcotics activity at 4 Reeb Avenue. The complainant reported seeing "20-50 cars coming and going."
8. On March 10, 2020, CPD was called to the Premises at 4 Reeb Avenue on report of an Accidental Overdose.
9. On March 26, 2020, CPD received a complaint regarding narcotics activity at 4 Reeb Avenue.
10. On March 31, 2020, CPD Narcotics received a complaint regarding narcotics activity inside a building located at 4 Reeb Avenue.
11. On April 6, 2020, CPD Narcotics received another complaint regarding narcotics activity inside a building located at 4 Reeb Avenue.
12. On April 22, 2020, CPD responded to 4 Reeb Avenue regarding a theft.
13. Again on April 22, 2020, CPD responded to 4 Reeb Avenue on report of a domestic violence incident.
14. On May 8, 2020, CPD Narcotics received another complaint regarding narcotics activity inside a building located at 4 Reeb Avenue.
15. On May 18, 2020, CPD received a "check on well-being" request regarding a male detoxing at 4 Reeb Avenue.
16. On June 16, 2020, CPD responded to a robbery at 4 Reeb Avenue.
17. On August 28, 2020, CPD received a complaint regarding narcotics activity at 2 Reeb Avenue. The complainant reported that there are drug sales occurring and traffic is constant day and night.
18. On September 3, 2020, a caller made a complaint to CPD Narcotics of narcotics activity occurring at 2 Reeb Avenue.

19. On October 23, 2020, CPD responded to 2 Reeb Avenue on a report of a robbery. The victim advised the Premises was used to sell narcotics.
20. On November 8, 2020, CPD Narcotics received another complaint of narcotics activity occurring at 2 Reeb Avenue.
21. Another narcotics complaint reported that there is a "mid size drug operation" running out of 2 Reeb Avenue.
22. On November 25, 2020, CPD received another complaint regarding 2 Reeb Avenue. The complainant reported that there is heavy foot traffic all hours of the day and crack and heroin are being sold.
23. On November 28, 2020, CPD Officer Browning located a male in the passenger seat of a vehicle who was possibly overdosing. The male eventually stated to Officer Browning he drove to 2 Reeb Avenue to buy fentanyl. The male also stated there is meth, fentanyl, crack/cocaine, numerous firearms and surveillance cameras at the residence.
24. On November 30, 2020, Detective Lagore and Detective McCray, along with a confidential informant, executed a controlled purchase of crack/ cocaine at 2 Reeb Avenue using \$20.00 from official funds.
25. On December 1, 2020, Detective Lagore and Detective Chapman, along with a confidential informant, executed a controlled purchase of crack cocaine at 2 Reeb Avenue using \$20.00 from official funds.
26. On December 7, 2020, Detective Lagore and Detective Chapman, along with a confidential informant, executed a controlled purchase of crack cocaine at 2 Reeb Avenue using \$20.00 from official funds.

27. On December 4, 2020, a 311 complaint was submitted regarding narcotics activity at 2 Reeb Avenue. The complainant stated that there is a lot of traffic coming in and out of the house.
28. On December 9, 2020, Detective Cone and Detective Arledge, along with a confidential informant, executed a controlled purchase of crack cocaine at 2 Reeb Avenue using \$20.00 from official funds.
29. That same day, December 9, 2020, a Franklin County Municipal Court Judge authorized a search warrant for 2 Reeb Avenue.
30. On December 19, 2020, CPD responded to the Premises on a report of a homicide. The victim was pronounced dead at the scene.
31. On or about December 21, 2020, CPD responded to the Premises on a report of a burglary. The victim stated he left his residence due to the homicide two days prior. The victim stated when he returned, an unknown suspect had broken into his home and stolen some of his property.
32. On February 5, 2021, CPD responded to the Premises on a report of a homicide. On arrival, officers located three (3) shooting victims. One victim was pronounced dead at the scene. The other was transported to a local hospital in critical condition. The third victim was located later with an apparent gunshot wound to her face.

Code Violations

33. On or about December 28, 2020, Property Maintenance Inspector Marcus Johnson (hereinafter "Johnson"), of the Department of Development's Code Enforcement Division had reason to and inspected the premises located at 2-8 Reeb Avenue, Columbus, Ohio and observed the violations of Columbus City Code § 4525 and § 4523.

34. Noted violations included the following:

- a. § 4525.14- Concrete and masonry work in disrepair;
- b. § 4525.02- Multiple broken windows;
- c. § 4525.08- Rain carriers and downspouts in disrepair;
- d. § 4523.04- Porch light fixtures at 2 Reeb Avenue and 6 Reeb Avenue were in disrepair.

35. As a result of the inspection, Johnson issued Columbus City Code Violation Notice (hereinafter "Order") 20440-05142 to Defendant detailing violations of the Columbus City Code Title 45 and 43 (Housing Code) of the Columbus City Code.

36. The Order stated that the violations needed to be corrected within 30 days of service of the order, unless an extension was granted.

37. Plaintiff asserts the that Order was appealed or complied

289-291 Brehl Avenue

38. The Premises at 289-291 Brehl Avenue is a side-by-side duplex in the Franklinton neighborhood on the City's west side.

39. Respondent-Defendant SVG has been the record owner of the Premises since 2016.

40. On March 21, 2019, CPD responded to 289 Brehl Avenue on an aid and transport for an individual experiencing a mental health crisis.

41. On July 10, 2019, CPD responded to 289 Brehl Avenue on report of a theft of prescription medication.

42. On July 21, 2019, CPD responded to 289 Brehl Avenue on a domestic violence report.

43. On August 10, 2019, CPD responded to 291 Brehl Avenue on report of a shots fired incident where the victim had been hit in the leg.

44. On September 10 and September 13, 2019, CPD responded to 289 Brehl Avenue on report of an individual attempting to evict the tenants. It was reported the landlord was on their way.
45. On September 15, 2019, CPD responded to 289 Brehl Avenue on report of a suicidal individual.
46. On September 16, 2019, CPD received a complaint regarding a menacing incident at 291 Brehl Avenue.
47. On December 25, 2019, CPD responded to 289 Brehl Avenue on report shots fired.
48. On January 7, 2020, CPD responded to 289 Brehl Avenue on report of a burglary. The caller stated that an individual was kicking in the rear door.
49. On January 8, 2020, CPD responded to 289 Brehl Avenue on report of a theft of prescription drugs.
50. On January 23, 2020, CPD responded to the area of 289 Brehl Avenue on report of a person with a gun.
51. On January 28, 2020, CPD responded to 289 Brehl Avenue on report of a fight.
52. On February 18 and 23, 2020, CPD responded to 289 Brehl Avenue following a domestic dispute.
53. On March 1, 2020, CPD received a report of a disturbance at 289 Brehl Avenue. The caller stated that a male at Premises was messed up on meth and try to toss a television. The caller also stated that the individual had a knife earlier.
54. On March, 9, 2020, CPD responded to 289 Brehl Avenue on report of stolen numbers off of a temporary license plate.

55. Also on March 9, 2020, CPD responded to 289 Brehl Avenue on report of a disturbance.

While on scene, officers saw through the front window and observed approximately 30 small pieces of foil laid across a table, a digital scale, and a male placing a small substance in each piece of foil. Officers were able to get someone to open the door and collected the paraphernalia that was in plain view.

56. On March 11, 2020, CPD responded to 289 Brehl Avenue on report of a disturbance.

During the call, dispatchers could hear someone say "Give me my dope". Officers knocked on the door and were met by a resident wielding a knife. The individual was detained and additional occupants who were found to have active warrants. Narcotics paraphernalia was also recovered from one of individuals inside the residence.

57. On March 14, 2020, CPD received a complaint regarding 289 Brehl Avenue. The caller noted that the location is a drug house.

58. On March 25, 2020, CPD responded to 289 Brehl Avenue on report of a suicide attempt.

59. On March 27, 2020, CPD responded to 289 Brehl Avenue on report of an ex-boyfriend who had taken the victim's vehicle. The vehicle was found several hours later but the victim did not want to report it stolen.

60. On March 28, 2020, CPD was dispatched to 289 Brehl Avenue on report of a robbery.

Officers located the victims in front of the listed address and stated that the suspects had fled into 289 Brehl Avenue. One of the victims had been assaulted and was unable to stand. The other victim stated that multiple suspects had assaulted and robbed them at gunpoint. Officers approached the residence and a suspect attempted to flee out the rear of the property but was taken into custody.

61. On April 25, 2020, CPD responded to 289 Brehl Avenue on report of a menacing incident.

The victim stated that the suspects were walking past the residence and pointed a handgun at her and cocked it. The victim stated she believed the incident was related to an individual that used to sell narcotics from the residence.

62. On April 28, 2020, CPD received a complaint regarding a person with a gun at 289 Brehl Avenue.

63. On April 30, 2020, CPD responded to 289 Brehl Avenue after an individual reported hearing a gun shot inside the residence.

64. Also on April 30, 2020, CPD received a complaint regarding a burglary in progress at 289 Brehl Avenue.

65. On May 6, 2020, CPD responded to 289 Brehl Avenue after an individual shot the house with a paintball gun.

66. On May 8, 2020, CPD responded to 289 Brehl Avenue on a domestic violence run in which the victim had been punched in the head multiple times.

67. On May 20, 2020, CPD received a complaint of shots fired at 289 Brehl Avenue.

68. On May 25, 2020, CPD received a complaint regarding an individual with a gun. The caller stated that the suspect was also threatening to tie up an individual.

69. On May 27, 2020, CPD responded to 289 Brehl Avenue on report of a domestic violence incident.

70. On June 18, 2020, CPD responded to 289 Brehl Avenue on report of a domestic violence incident.

71. On June 20, 2020, CPD received a call regarding a person with a knife at 289 Brehl Avenue.

The caller stated that there are several people in the basement yelling and screaming.

72. On June 24, 2020, CPD received a complaint regarding a person with a gun at 289 Brehl Avenue.
73. On July 7, 2020, CPD responded to a call regarding a stabbing at 289 Brehl Avenue. The caller stated that a female had run out of the house with a knife saying she had been stabbed.
74. On July 8, 2020, a narcotics complaint was submitted to CPD regarding 289 Brehl Avenue. The complainant stated that heroin and fentanyl were being sold from the side door. The caller stated they had told the landlord about the illegal activity and the landlord evicted them but then rented it back out. The caller stated that they can't allow their grandchildren to play outside due to all of the addicts in the area day and night. The caller expressed fear of retaliation and pleaded for officers to investigate.
75. On July 9, 2020, CPD responded to 291 Brehl Avenue on a report of shots fired.
76. On July 11, 2020, CPD responded to 289 Brehl Avenue on report of shots fired.
77. On July 13, 2020, CPD responded to 289 Brehl Avenue on a report of a shooting. The caller stated that they were told someone was shot in the basement and they are trying to hide him.
78. On July 14, 2020, CPD received a complaint regarding a fight at 291 Brehl Avenue.
79. On July 24, 2020, CPD responded to 289 Brehl Avenue on report of a person with a knife. The caller reported seeing a woman fleeing out of the rear of the residence but was then pulled back in by a male with a knife.
80. On July 27, 2020, CPD responded to 289 Brehl Avenue on report of an assault.
81. On July 29, 2020, CPD responded to 289 Brehl Avenue on report of a burglary in progress.
82. On September 3, 2020, CPD responded to 289 Brehl Avenue on report of a person with a knife.

83. On November 16, 2020, CPD INTAC Detectives Chapman and LaGore, with the assistance of a confidential informant, conducted a covert purchase of crack cocaine from 289 Brehl Avenue.
84. On November 29, 2020, CPD received another complaint regarding narcotics activity at 289 Brehl Avenue.
85. On December 16, 2020, CPD personnel were dispatched to a lifeless body in the alley of 542 Townsend Avenue. The victim was identified and pronounced dead. On December 18, 2020, CPD Police and Community Together ("PACT") unit officers arrest an individual for soliciting who later served as a confidential informant ("C/I"). The C/I informed the Central Ohio Human Trafficking Task Force that a male had died in the basement of 289 Brehl Avenue and was found between a washer and dryer. The source stated that a drug dealer asked the C/I to help dispose of the body but the C/I refused to help. The C/I heard the body had been dumped in an alley.
86. On December 17, 2020, CPD responded to 289 Brehl Avenue on report of an assault. The victim was transported to the hospital in stable condition but refused to cooperate with authorities.
87. On December 18, 30, and 31, Detectives conducted surveillance at 289 Brehl Avenue and observed multiple people coming and going from the side door. According to officers, this pattern was indicative of drug activity.
88. On January 4, 2021, CPD INTAC Detectives, with the assistance of a confidential informant, conducted a covert purchase of crack cocaine from 289 Brehl Avenue.
89. On January 5, 2021, CPD responded to 289 Brehl Avenue on report of three shots fired.

90. On January 7, 2021, CPD Human Trafficking Task Force personnel executed a search warrant at 289 Brehl Avenue. Inside the residence, ten individuals were located and the following was seized:

- a. 92.30 grams of fentanyl;
- b. Two (2) semi-automatic handguns; and
- c. One (1) assault rifle.

91. Later, on January 7, 2021, CPD responded to 289 Brehl Avenue on report of a disturbance.

A group of approximately seven people were trying to enter this location that INTAC had just raided.

92. On January 8, 2021, CPD received a call regarding shots fired at 291 Brehl Avenue. The shots fired claim was not substantiated, but it was determined that part of the Premises had caught fire.

93. On January 14, 2021, CPD INTAC Detective Malone sent a letter via certified mail to Respondent-Defendant, SVG, courtesy of Maria Guthrie, as well as Respondent-Defendant Rent Due, LLC courtesy of Respondent-Defendant Zachary Burkons, informing them of the nuisance activity taking place at the Premises at 289 Brehl Avenue and their duty to abate the conditions.

Code Violations

94. On or about January 11, 2021 Property Maintenance Inspector Jeremy Alder (hereinafter "Alder"), of the Department of Development's Code Enforcement Division had reason to and inspected the premises located at 289-290 Brehl Avenue, Columbus, Ohio and observed violations of Columbus City Code § 4707, § 4525, and § 707.

95. Noted violations included the following:

- a. § 4707.01- vacant structure not secured or maintained in accordance with Columbus City Code;
- b. § 4707.03- All windows, doors, openings, or holes in the structure are not covered with weather protected CDX plywood;
- c. § 707.03- There is solid waste on the property including a refrigerator, construction materials, furniture, tires, debris related to a house fire, and motor vehicle supplies;
- d. § 4525.08- The property shall be maintained free of weeds and grass in excess of 12 inches;
- e. § 4525.01- The house and garage are not weather tight with holes in the walls and roof;
- f. § 4525.11- There is damaged missing siding, soffit, and fascia on the main structure and garage;
- g. § 4525.14- There are step cracks, mortar voids, and shifting masonry units on the foundation of the house, chimney, and detached garage.

96. As a result of the inspection, Alder issued Columbus City Code Violation Notice (hereinafter "Order") 21475-00562 to Defendant detailing violations of Columbus City Code Titles 47, 45, and 707 (Housing Code) of the Columbus City Code.

97. The Order stated that the violations needed to be corrected within 30 days of service of the order, unless an extension was granted.

98. Plaintiff asserts that the Order was not appealed or complied.

364-366 East Innis Avenue

99. The Premises at 364-366 East Innis Avenue is a multi-unit residential building located on the south side of Columbus, Ohio.

100. Respondent-Defendant SVG has been the record owner of the Premises since November 24, 2014.

101. On April 9, 2018, CPD Narcotics Detectives Michael Friend and Clint Smith, using a confidential informant, executed a controlled purchase of .01 grams of cocaine at the Premises located at 366 E. Innis Avenue in exchange for \$20.00 in official funds.

102. On October 12, 2019, CPD responded to the Premises at 366 E. Innis Avenue on report of a possible DOA. The victim was pronounced dead upon the officers' arrival.

103. On July 5, 2019, CPD was called to the Premises at 364 E. Innis Avenue on report of a person with a knife.

104. On July 21, 2019, CPD was called to the Premises at 364 E. Innis Avenue on report of a disturbance. Call notes indicate a male, high on drugs was threatening to kick in the caller's front bedroom door.

105. On February 18, 2020, CPD was called to the Premises at 346 E. Innis Avenue on an unknown complaint. Call notes indicate an unidentified male yelling and possibly high on drugs.

106. On March 4, 2020, CPD was called to the Premises at 346 E. Innis Avenue on report of a person with a gun.

107. On May 17, 2020, CPD responded to the Premises at 364 E. Innis Avenue on report of a person with a gun.

108. On August 7, 2020, CPD was flagged down on report of a rape/sexual assault by a victim who, to the responding officers, appeared to be high on drugs. According to CPD,

the victim is a known prostitute in the area and often stays at the Premises located at 364 E. Innis Avenue. The victim reported to the officer that a male located at 364 E. Innis Avenue inserted his fingers into the victim's vagina without her consent.

109. On February 15, 2021, CPD Narcotics Detectives Lagore and Chapman, using a confidential informant, executed a controlled purchase of .1 grams of crack at the Premises located at 364 E. Innis Avenue in exchange for \$20.00 in official funds.

629-631 South Wheatland Avenue

110. The Premises at 629-631 South Wheatland Avenue is a side-by-side duplex located in the Hilltop neighborhood on the City's west side.
111. Respondent-Defendant SVG has been the record owner of the Premises since 2014.
112. On June 5, 2019, CPD Safe Streets officers were patrolling the area due to the high volume of drug activity and arrests. Officers observed an individual associated with the Premises parked in front of the duplex. Officers approached the vehicle and came into contact with two individuals in the vehicle. A glass crack pipe and several unused hypodermic needles were later found in possession of one of the occupants.
113. On June 6, 2019, CPD received a complaint regarding narcotics activity at 631 South Wheatland Avenue. The caller stated a male is selling narcotics and that they see a lot of people.
114. On June 17, 2019, CPD received another complaint regarding narcotics activity at 631 South Wheatland Avenue.
115. On June 22, 2019, CPD responded to the Premises at 629 South Wheatland Avenue on report of a theft. When officers arrived they encountered a resident who stated they had

allowed an individual to sell drugs out of the house but SWAT had hit the house and the individual was now in federal custody. The victim stated that two of the drug dealer's friends came to the house and threatened the victim. In the process, the victim's purse and keys were stolen.

116. On July 4, 2019, CPD received a narcotics complaint regarding 631 South Wheatland Avenue. No weapons were reported but the complainant stated that this is a drug house.

117. On March 28, 2020, CPD Officer Gustafson was patrolling the area due to a number of raids on narcotics houses on the street. Officer observed an individual known to the officer from two prior narcotics arrests enter the residence at 629 South Wheatland Avenue and leave approximately five minutes later.

118. On April 3, 2020, CPD responded to 629 South Wheatland Avenue on report of credit card theft. The alleged victim stated that the known suspect was someone staying at the house.

119. Also on April 3, 2020, CPD officers were patrolling the area when they observed several known drug users coming and going from 629 South Wheatland Avenue. Officers were denied entry by the occupant who stated she would fix the traffic that was coming and going from the location.

120. On July 20, 2020, CPD responded to 629 South Wheatland Avenue on report of an assault. The victim stated that she was arguing with the suspect and trying to get him to leave when he head butted her in the face.

121. On August 2, 2020, CPD responded to 629 South Wheatland Avenue on report of a person with a gun. An individual was arrested at the scene and CPD recovered a gun, ten rounds of 9mm ammunition, and a bag of suspected narcotics.
122. On September 10, 2020, CPD responded to a Shot Spotter alert at 629 South Wheatland Avenue and found multiple shell casings. The victim stated that an unknown individual fired several shots at them but no one was hit. Officers made entry into the home and discovered an individual with an active felony warrant for a drug offense. The same individual was found to have a baggie of suspected narcotics on his person.
123. On October 3, 2020, CPD responded to 629 South Wheatland Avenue following a Shot Spotter alert. A victim was located inside the home and transported to Grant Medical Center in stable condition.
124. Later that day, October 3, 2020, CPD received a report of a suspicious person at 629 South Wheatland Avenue.
125. On October 9, 2020, CPD received a complaint regarding a suspicious vehicle at 629 South Wheatland Avenue.
126. On November 4, 2020, CPD INTAC Detective Malone sent a letter via certified mail to Respondent-Defendant, SVG, informing them of the nuisance activity taking place at the Premises at 629 South Wheatland Avenue and their duty to abate the conditions.
127. On November 6, 2020, CPD was called to 629 South Wheatland Avenue on report of an assault. The caller stated that an individual had been robbed and hit in the head with a bat. Officers made contact with a victim who had a large gash on their head and wrist. The victim stated that the altercation arose after he was alleged to have stolen the suspects pants.

128. On November 4, 2020, CPD INTAC Detective Malone sent a letter via certified mail to Respondent-Defendant, SVG, informing them of the nuisance activity taking place at the Premises at 629 South Wheatland Avenue and their duty to abate the conditions. The letter was sent to the address of the statutory agent for SVG. Per USPS, the statutory agent's address is now a vacant building.
129. On December 6, 2020, CPD was patrolling in the area of the Premises when they saw an individual leave the known drug house at 629 South Wheatland Avenue. Officers ran the individuals state identification and found that he had an active federal warrant for counterfeiting.
130. Also on December 6, 2020, CPD came into contact with another individual leaving the known drug house at 629 South Wheatland Avenue. The individual provided a false identity to officers and was later found to have outstanding warrants.
131. On or about December 10, 2020, CPD INTAC Detective Malone sent a letter via certified mail to Respondents-Defendants, Rent Due, LLC and Zachary Burkons, informing them of the nuisance activity taking place at the Premises at 629 South Wheatland Avenue and their duty to abate the conditions. The letter was sent to the address of the statutory agent for Rent Due, LLC. This letter was returned to sender with a new noted address.
132. On or about December 10, 2020, CPD INTAC Detective Malone sent a letter via certified mail to Maria Guthrie, informing her of the nuisance activity taking place at the Premises at 629 South Wheatland Avenue and their duty to abate the conditions. This letter was received and signed for on December 14, 2020.

133. In late December 2020, CPD received a letter from Jose Villavicencio. In the letter, Mr. Villavicencio acknowledges the criminal activity at some of his properties and asserts the receiver, Rent Due, LLC, and certain attorneys are responsible for allowing the criminal activity to continue unabated.
134. On December 27, 2020, CPD received two separate calls from a female stating that someone was shot inside 631 South Wheatland Avenue. When officers arrived, they could smell an odor of marijuana and see individuals inside the residence but no one would answer the door. Officers also made note of a brand new surveillance camera that had been installed on the exterior.
135. On January 8, 2021, CPD responded to 629 South Wheatland Avenue on report of shots fired. The caller reported hearing 4-5 shots coming from inside the house and a female screaming.
136. On January 9, 2021, CPD responded to 629 South Wheatland Avenue on a report of shots fired.
137. On January 11, 2021, CPD responded 629 South Wheatland Avenue on a report of a shooting. The caller stated that his friend had just been shot. Another caller reported hearing shots fired and someone screaming. It is noted in the report that some of the calls were unsubstantiated.
-
138. On January 15, 2021, CPD received a complaint regarding a person with a gun at 629 South Wheatland Avenue.
139. On January 19, 2021, CPD received a complaint regarding a fight at 629 South Wheatland Avenue. The caller stated her father is at the location being beaten up.

140. On January 25, 2021, CPD INTAC Detectives Mays and George, with the assistance of a confidential informant, conducted a covert purchase of heroin from 631 South Wheatland Avenue. Upon approaching the front door, the informant was directed to the rear of the Premises where the transaction took place.
141. On January 26, 2021, CPD INTAC Detectives Mays and George, with the assistance of a confidential informant, conducted another covert purchase of heroin from 631 South Wheatland Avenue from an individual matching the description from the prior covert purchase.
142. On January 27, 2021, CPD received a complaint regarding a domestic violence incident at 629 South Wheatland Avenue.
143. On February 1, 2021, CPD received a complaint regarding a suspicious person at the Premises at 629 South Wheatland Avenue. Notes indicate the location is a busy trap house.
144. On February 1, 2021, CPD INTAC Detectives McCray and George, with the assistance of a confidential informant, conducted another covert purchase of heroin from 631 South Wheatland Avenue. The individual selling the narcotics from the Premises was a different individual.
145. Again on February 1, 2021, CPD INTAC Detectives McCray and George, with the assistance of a confidential informant, conducted another covert purchase of heroin from 631 South Wheatland Avenue from an individual matching the description of the seller from earlier that day.

146. On February 3, 2021, CPD INTAC Detectives LaGore and Chapman, with the assistance of a confidential informant, conducted a covert purchase of crack cocaine from 631 South Wheatland Avenue.
147. On February 3, 2021, CPD INTAC executed a search warrant at 631 South Wheatland Avenue. Inside the residence, officers located twelve individuals and seized the following:
- a. 55.95 grams of cocaine valued at \$59,500.00;
 - b. 22.93 grams of methamphetamine valued at \$2,636.00;
 - c. 123.96 grams of marijuana valued at \$1,239.00;
 - d. Five thousand five hundred and forty-one dollars (5,541.00) cash;
 - e. One (1) Glock Model 20 with magazine and thirteen live rounds; and
 - f. One (1) Draco Micro pistol with magazine and ten live rounds.
148. The Premises at 2 Reeb Avenue, 364 East Innis Avenue, 289-291 Brehl Avenue, and 629-631 South Wheatland Avenue, and specifically the illegal narcotics activity and felony offenses of violence at the properties, constitute an imminent danger for those at and around the Premises.
149. Failing to immediately padlock the property after the execution of the *ex parte* temporary restraining order will allow the dangerous illegal activity to continue, thereby causing immediate and irreparable injury, loss or damage to the applicant and the community.
150. *Ex parte* closure of the property is necessary in order to prevent destruction or removal of contraband or other property.

151. Prior notification of the temporary restraining order could pose a danger to the physical safety and lives of the Columbus police officers involved in its execution.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

Relator has established by clear and convincing evidence that the felony drug activity and illegal/unsafe activity occurring at the Premises referenced above continues to cause irreparable harm to the community and that the property is a nuisance per se as defined in R.C. § 3719.10 and 3767.01. It is the further ORDER of this Court that all occupants of the Premises be forcibly removed from the Premises forthwith. In executing this order, all barricades throughout the structure may be forcibly removed so as to prevent fortifying portions of the residence. Said occupants may be forcibly detained during the execution of this order. Furthermore, the premises shall be closed, padlocked, boarded or secured as deemed necessary by the Chief of the Columbus Police Department or his or her designee(s) against its use for any purpose until a final decision is rendered on the Complaint for Preliminary and Permanent Injunctive Relief as required by R.C. § 3767.04. This temporary restraining order shall apply to and prohibit usage of or entrance onto any curtilage or porch areas of the premises for any purpose—no vehicles or persons are to be anywhere on the parcel.

It is further **ORDERED** that this temporary restraining order shall apply to the parcel in its entirety. No person may enter and/or occupy ^{and 4} 2 Reeb Avenue, ^{and 366} 364 East Innis Avenue, 289-291 Brehl Avenue, or 629-631 South Wheatland Avenue, Columbus, Ohio, including any portion of the parcels. Any violation of this order, including mutilation of this order, is contempt of court, punishable as a first degree misdemeanor.

It is further **ORDERED** that only necessary personal property located on the premises be removed by the occupants prior to closure and under the direction of the Columbus Division of

Police. The Columbus Division of Police is authorized to inventory personal property located on the premises; however, only items related to or in connection with the illegal conduct must be inventoried and accounted for. The Columbus Division of Police may, however, also remove and secure at an off-site location highly mobile and valuable property, including but not limited to such personal property as automobiles, cash, jewelry and electronic equipment which may be at risk of theft during the pendency of this ORDER.

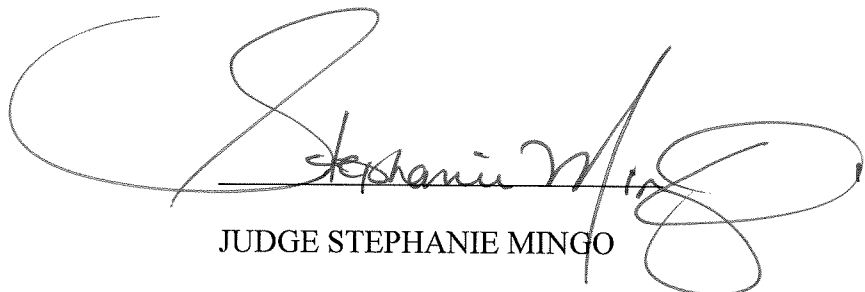
This case is continued for further hearing on the merits of Relator's Complaint for Preliminary and Permanent Injunctive Relief on the 15th day of March, 2021 at 9:00 A.M. in courtroom 15B, located on the 15th floor of 375 S. High Street, Columbus, Ohio 43215. This Order shall remain in effect until that time or as otherwise ordered by this Court.

This order shall be served upon the Respondents-Defendants by the Columbus Division of Police or Relator's Counsel; the order may be served by posting a copy of it in a conspicuous place at or upon one or more of the principal doors or entrances of the property. The closing of said Premises with forcible entry and removal of all occupants shall be effectuated by the Columbus Division of Police with the assistance of Columbus Code Enforcement. Based on the Affidavits submitted with the Complaint and Motion, the Court finds that notice of entry upon the premises could result in destruction, concealment or removal of contraband, illegal narcotics or property and could create a serious risk of physical harm to law enforcement officers or other authorized individuals in the execution of this *ex parte* Order.

IT IS SO ORDERED.

2-18-2021

DATE


JUDGE STEPHANIE MINGO